

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SENARBLE CAMPBELL,

Plaintiff,

v.

ASHLEY SMITH, et al,

Defendants.

No. 2:21-cv-1172 KJM CKD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 4, 2022, the magistrate judge filed findings and recommendations to dismiss defendant Ashley Smith without prejudice based on plaintiff's failure to effect timely service of process. ECF No. 26. All parties were informed that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations indicating that he has identified defendant Smith's correct name as Rainelle Smith. ECF No. 28. In light of plaintiff's pro se status, the court will once again explain the procedure for correcting the name of defendant Smith to ensure proper service of process.

See also ECF Nos. 22, 26. As previously indicated, this court will not order service of the complaint that identifies defendant as "Ashley Smith" on a Rainelle Smith. Therefore, within 30

1 days from the date of this order, **plaintiff may file a motion to amend along with a proposed**
2 **amended complaint that correctly identifies each defendant by name, badge number, job or**
3 **post title, and any other descriptive information that is available to plaintiff.**

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Within 30 days from the date of this order, plaintiff may file a motion to amend his
6 complaint along with a proposed amended complaint that correctly identifies each defendant by
7 name. Each claim and the involvement of each defendant must be sufficiently alleged in the
8 amended complaint. Finally, plaintiff is informed that the court cannot refer to a prior pleading in
9 order to make plaintiff's amended complaint complete. Local Rule 220 requires that an amended
10 complaint be complete in itself without reference to any prior pleading.

11 2. The findings and recommendations filed January 4, 2022 (ECF No. 26) will remain
12 pending at this juncture. If plaintiff files a motion to amend the complaint within the time
13 provided, the court will vacate the Findings and Recommendations. However, if plaintiff fails to
14 respond to this order, the court will forward plaintiff's objections to the Findings and
15 Recommendations to the district judge assigned to this case.

16 Dated: January 31, 2022



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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